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Governor

STATE OF NEVADA

ANDREW J. MACKAY
Chairman

DIANNE CORNWALL
Director, Business and Industry



MICHAEL J. KLOBERDANZ
Commissioner

MONICA B METZ
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY NEVADA TRANSPORTATION AUTHORITY

A duly authorized meeting of the Nevada Transportation Authority was held on **Thursday, June 17, 2010 at 10:00am** at the Authority's offices located at 2290 South Jones Blvd., Suite #110, Las Vegas, Nevada and 1755 East Plumb Ln., Suite #216, Reno, Nevada.

MINUTES OF THE MEETING

1. Call to Order
2. Roll Call; Attending in Las Vegas were Commissioner Michael Kloberdanz, Commissioner Monica Metz, Administrative Attorney Jim Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Chief Inspector Michael Bradford, and Senior Deputy Attorney General David Newton. Attending in Reno were Chairman Andrew MacKay and Deputy Commissioner Marilyn Skibinski.
3. Pledge of Allegiance
4. ****Approval of Agenda;** Administrative Attorney Day stated that he would like to remove the following items: item 10.a) due to having not yet received the hearing transcripts; item 11.b) as the carrier filed a voluntary cancellation; and items 11.a), c), and d) in order to exercise an abundance of caution in assuring they are properly noticed. The Authority voted 3-0 to approve the Agenda as modified.
5. ****Approval of the Minutes of the May 13, 2010 Agenda Meeting;** The Authority voted 3-0 to approve the Minutes of the May 13, 2010 Agenda Meeting.
6. Ground transportation trends and activity; No one present for comment.
7. Briefings from the Commissioners; Commissioner Metz stated that she is working on preparing proposed regulations that have been through the workshop process to be submitted to the Legislative Council by the end of the June. Commissioner Kloberdanz announced that he would be absent from the July Agenda Meeting. Chairman MacKay was joined by Commissioners Kloberdanz and Metz in thanking Authority Staff, particularly Administrative Attorney Day, for their hard work. Chairman MacKay also thanked Commissioner Metz for her exhaustive work related to the proposed regulations.
8. Briefing from the Deputy Commissioner; None

9. Report of Legal Counsel; Senior Deputy Attorney General Newton stated that he had been served with the initial Petition for Judicial Review in the Handicab matter.

10. ****Applications for Fully Regulated Carriers**

- a) ~~Docket No. 08-03016~~ The Application of New Charters Nevada, LLC for a certificate of public convenience and necessity to operate as a common carrier of passengers to provide charter limousine service in the State of Nevada. (MJK) **Pulled from Agenda**
- b) **Docket No. 08-03030** The Application of Sunset Limousine Services, LTD for a certificate of public convenience and necessity to operate as a common carrier of passengers to provide charter limousine service in the State of Nevada. (AJM) **Hal Taylor, Esq. and Ed Loudenclos were present on behalf of the Applicant. Kimberly Maxson-Rushton, Esq., was present on behalf of the Intervener. Chairman MacKay summarized the Application and recommended denial based on a failure by the Applicant to meet the burden of proof regarding being operationally fit, willing, and able to provide the service applied, and failure to prove an adequate market. Mr. Taylor stated that it is a unique niche market. Ms. Rushton stated her agreement with Chairman MacKay. Commissioners Kloberdanz and Metz both stated that they had listened to the hearing and reviewed the record and agreed that the same legal standards must be applied to all Applicants. Chairman MacKay stated that the Applicant can appeal the Authority's decision. The Authority voted 3-0 to deny the Application.**
- c) **Docket No. 10-01012** The Joint Application of Justin Davis for authority to sell and transfer and of Anthony Clark to purchase and acquire 25% interest in 24/7 Limousines LTD d/b/a 24/7 Limousines (authorized to provide charter limousine service under Certificate of Public Convenience and Necessity 1088, Sub 1). Staff investigation concluded. (AJM) **Chairman MacKay summarized the Application. Applications Manager Babcock clarified the difference between 24/7 Entertainment and 24/7 Limousine. The Authority voted 3-0 to approve the Application.**

11. ****Orders to Show Cause**

- a) ~~Docket No. 10-03029~~ The Order to Show Cause issued to Auto Masters Towing as to why Certificate of Public Convenience and Necessity (CPCN) 7227 should not be revoked. (MJK) **Pulled from Agenda**
- b) ~~Docket No. 10-03030~~ The Order to Show Cause issued to David R. Walker dba Associated Towing as to why Certificate of Public Convenience and Necessity (CPCN) 7172 should not be revoked. (MJK) **Pulled from Agenda**
- c) ~~Docket No. 10-03032~~ The Order to Show Cause issued to JUCAR, Inc. as to why Certificate of Public Convenience and Necessity (CPCN) 7188 should not be revoked. (MJK) **Pulled from Agenda**
- d) ~~Docket No. 10-03034~~ The Order to Show Cause issued to Sayed Afghani as to why Certificate of Public Convenience and Necessity (CPCN) 7197 should not be revoked. (MJK) **Pulled from Agenda**

12. ****Financial Rates and Tariffs**

- a) **Docket No. 10-04021** The Application of CLS Nevada, LLC d/b/a CLS Transportation, Las Vegas for approval of a tariff rate modification for services conducted under Certificate of Public Convenience and Necessity (CPCN) 1011, Sub 4. Staff investigation concluded. Financial Analyst Aronova summarized the Application and recommended approval. Commissioner Metz asked a question regarding the boundaries of the map. The Authority voted 3-0 to approve the Application.
- b) **Docket No. 10-05001** The Application of Pack Rat NV #1, LLC d/b/a 1-800-Pack-Rat for approval of a tariff rate modification for services conducted under Certificate of Public Convenience and Necessity (CPCN) 3348. Staff investigation concluded. Kevin Kampschror was present on behalf of the Applicant. Applications Manager Babcock clarified that the Tariff Modification was submitted by new owners and that the certificate was transferred [without prior Authority approval] in January of 2010 and an Application for Sale and Transfer was subsequently submitted in May. Financial Analyst Aronova summarized the Application and recommended Approval. Chairman MacKay asked a question related to the operating structure. Commissioner Metz noted that the new company is well funded, that no operational changes were made under the new ownership and that approval of the tariff modification does not imply Authority approval of the transfer or alleviate the carrier's obligation to gain Authority approval for the sale and transfer. The Authority voted 3-0 to approve the Application.
- c) **Docket No 10-06016** Pursuant to NRS 706.321(4), the Authority's motion to investigate the rates of certificated tow carriers for auction preparation fees. After hearing, the Authority may order changes as may be just and reasonable. Chairman MacKay summarized the history of this matter. Commissioner Kloberdanz stated his support. Bob Compan, Farmers Insurance, and John Rubens, AAA Insurance, commended the Authority for taking a look at this issue and volunteered their assistance to the Authority. The Authority voted 3-0 to approve the opening of a docket for this matter (10-06016). Chairman MacKay assigned himself as the Presiding Officer for docket 10-06016.
- d) **Docket No. 10-06017** Authority Staff's request for Authority direction regarding the removal of the North Las Vegas Police Department City Fee from tow tariffs. Applications Manager Babcock summarized the request. Commissioner Kloberdanz asked whether the issue has been discussed with the North Las Vegas Attorney's Office. Senior Deputy Attorney General Newton stated that he has had discussions with the North Las Vegas Attorney's Office, and the city of Henderson regarding direct collection of fees and issuance of release letters, but stated that by allowing such fees in approved tariffs the Authority has tacitly consented to the practice. Chairman MacKay asked if there was a similar setup with the airport remuneration and after Senior Deputy Attorney General Newton confirmed, Chairman MacKay recommended a waiving of filing fees for the carriers to modify the affected tariffs. Commissioner Metz asked if it was a requirement under the current contracts that the carriers had with North Las Vegas and Senior Deputy Attorney General Newton replied that in his understanding, "yes." Michael Keller, of AAA Insurance, asked if the consumer needed to go to a different location and pay a fee if that would cause a delay in the release of the vehicle. Henderson Assistant City Attorney Robert Zentz stated that the city incurs costs for referring tows and does not like the word "kick-back." Mr. Zentz further stated that if fees are vetted and done publicly, they can be applied reasonably, he also stated that they do

not necessarily need to be passed on to the vehicle owner. Commissioner Kloberdanz agrees that he does not like the word “kick-back,” but does not believe that it is right to have a cost of doing business with the city. Chairman MacKay asked how inconvenient it would be if the public were required to pay the fee directly. Mr. Zentz stated that it would give the public a runaround and could cause higher storage fees. Bob Compan, of Farmers Insurance, stated the he believes cities are using this as another revenue source when taxes should already be covering these costs. David Walker, Walker Towing, gave some history regarding the contract with the city of Henderson and also stated that with a police tow, a release letter is already required. Clark Whitney, Snap Towing, asked if the city requires fees would it be legal for the tow companies to pay them. Administrative Attorney Day stated that payments by the tow companies are generally prohibited, except where required by state statute. Commissioner Metz suggested that if the contracts in place with North Las Vegas expire, then the Authority could disallow the fee to be collected by tow carriers in the new contracts. Mr. Newton stated he could report back at the next general session with the answer to that question. The Authority voted 3-0 to table the discussion until further review with the city of North Las Vegas.

13. **Petition for Reconsideration:

Docket No. 09-01007 In Re: The Application of Omni Limousine, Inc. for an expansion of authority for operations conducted under Certificate of Public Convenience and Necessity (CPCN) 1084.1. Intervener Ambassador Limousine’s Petition for Reconsideration of the Authority’s May 19, 2010 Order. (MJK) Neal Tomlinson, Esq., was present on behalf of the Petitioner (Ambassador Limousine). Jamie Kent, Esq., was present on behalf of the Applicant. Commissioner Kloberdanz summarized the Application history. Mr. Tomlinson summarized the Petition. Administrative Attorney Day summarized the proposed Order from Commissioner Kloberdanz. Mr. Kent rebutted the Petition and stated that a motion to dismiss could only be heard by the full Authority. Commissioner Metz stated that there were possible procedural mistakes, but they were not fatal mistakes. Administrative Attorney Day offered further explanation of the actions taken by the hearing officer. Chairman MacKay stated that he does not support the Petition. Mr. Tomlinson stated that the full authority should have considered the motion to dismiss he had made during the Application hearing. Chairman MacKay noted that Mr. Tomlinson failed to raise that issue when the full Authority considered the matter at the May Agenda Meeting. The Authority voted 2-1 to deny in part and grant in part the Petition for Reconsideration. Commissioner Metz provided the dissenting vote.

14. Notice (No action required)

Docket No. 10-05014 The temporary discontinuance from June 27, 2010 through July 16, 2010 of services provided by Quilter Services of Las Vegas, LLC d/b/a Quilt Tours of Las Vegas under Certificate of Public Convenience and Necessity (CPCN) 2124. Staff investigation concluded.

15. **Consent Items

a) Application for Certificate of Public Convenience and Necessity to Provide Charter Bus Service

Docket No. 09-10001 The Application of All Resort Coach, inc. d/b/a Lewis Stages for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. Gordon Cummins and Brent Carson, Esq., were

present on behalf of the Applicant. Applications Manager Babcock summarized the Application and recommended approval. The Authority voted 3-0 to approve the Application.

The Authority took a Brief Recess.

b) Applications for Certificates of Public Convenience and Necessity to Provide Tow Car Service

- 1) **Docket No. 10-03003** The Application of James R. Ballard d/b/a D & J Classic Auto Transport for a certificate of public convenience and necessity to provide tow car service by tow car within the State of Nevada. Staff investigation concluded. Applications Manager Babcock summarized the Application and recommended approval. The Authority voted 3-0 to approve the Application.
- 2) **Docket No. 10-03004** The Application of Arailde Matos d/b/a A.M.A. Towing Services for a certificate of public convenience and necessity to provide tow car service by tow car within the State of Nevada. Staff investigation concluded. Arailde Matos and Juan Valdez were present on behalf of the Applicant. Applications Manager Babcock summarized the Application and recommended approval. The Authority voted 3-0 to approve the Application.
- 3) **Docket No. 10-04012** The Application of SNAP Towing – Las Vegas, LLC d/b/a SNAP Towing – Las Vegas for a certificate of public convenience and necessity to provide tow car service by tow car within the State of Nevada. Staff investigation concluded. Clark Whitney was present on behalf of the Applicant. Applications Manager Babcock summarized the Application and recommended approval, explaining that a tow carrier with a very similar name is under partial common ownership with the instant carrier. The Authority voted 3-0 to approve the Application.
- 4) **Docket No. 10-04023** The Petition of Tow Guys, Inc. d/b/a LVVI seeking approval for a name change from d/b/a LLVI to d/b/a Tow Guys for tow car operations conducted under CPCN 7108, Sub 2. Staff investigation concluded. Applications Manager Babcock summarized the Application and recommended approval. The Authority voted 3-0 to approve the Application.

c) Administrative Citations and Impoundments Chairman MacKay explained that the following items were administrative citation and impound matters in which either Staff submitted a Settlement Agreement for approval or a hearing officer presided over the hearing with respect to the alleged violation(s), made findings, and provided recommendations with respect to appropriate fines and/or other remedies. Chairman MacKay explained that the items are voted on in a block. The Authority voted 3-0 to approve items 15.c)1)-15.c)29).

- 1) **Citation 14247** issued to Nathaniel Alvin Burger for violations of NRS 706.386 and NRS 706.758. (AJM)
- 2) **Citations 14109 and 14110** issued to Gilbert Lopez for violations of NAC 706.247/49 CFR 391.41(a) (2 counts), NAC 706.247/49 CFR 391.43(a) (2 counts), NAC 706.247/49 CFR 382.301(a) (2 counts), and NAC 706.247/49 CFR 382.305(a) (2 counts). (MBM)

- 3) **Citation 15132** issued to Jonathan Reed for violations of NRS 706.386 and NRS 706.758. (MBM)
- 4) **Impound 1613** The impoundment pursuant to NRS 706.476 of a vehicle registered to David Reed. (MBM)
- 5) **Impound 1614** The impoundment pursuant to NRS 706.476 of a vehicle registered to David Clement. (MBM)
- 6) **Impound 1705** The impoundment pursuant to NRS 706.476 of a vehicle registered to Benjamin Gunn. (MBM)
- 7) **Impound 1615 and Citation 15159** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15159 issued to Nam Kea Ngov for violations of NRS 706.386 and NRS 706.758. (MBM)
- 8) **Impound 1715 and Citation 15135** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15135 issued to David Riddle for violations of NRS 706.386 and NRS 706.758. (MBM)
- 9) **Citation 15107** issued to Ronen Perez and/or American Express Van Lines for violations of NRS 706.386 and NRS 706.758. (MJK)
- 10) **Citation 15110** issued to Yohanes T. Tegafaw for a violation of NAC 706.228. (MJK)
- 11) **Citation 15131** issued to Stephen Morgan for a violation of NRS 706.386. (MJK)
- 12) **Citation 15136** issued to Engin Serbest for violations of NRS 706.386 and NRS 706.758. (MJK)
- 13) **Citation 15156** issued to Gerald Leroy Caperell for violations of NRS 706.386 and NRS 706.758. (MJK)
- 14) **Citation 15158** issued to Richard E. Clement for violations of NRS 706.386 and NRS 706.758. (MJK)
- 15) **Impound 1476** The impoundment pursuant to NRS 706.476 of a vehicle registered to Herbert Foulk. (MJK)
- 16) **Impound 1652** The impoundment pursuant to NRS 706.476 of a vehicle registered to Andres Falcon. (MJK)
- 17) **Impound 1706** The impoundment pursuant to NRS 706.476 of a vehicle registered to Melvyn Jay Caperell. (MJK)
- 18) **Impound 1716** The impoundment pursuant to NRS 706.476 of a vehicle registered to Fernando Ruben Montiel Jr. (MJK)
- 19) **Impound 1720** The impoundment pursuant to NRS 706.476 of a vehicle registered to Jaime Lopez. (MJK)

- 20) **Impound 1651 and Citation 15108** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15108 issued to Manuel Reyes for a violation of NRS 706.386. (MJK)
- 21) **Impound 1707 and Citation 15181** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15181 issued to Saul Silva for violations of NRS 706.386 and NRS 706.758. (MJK)
- 22) **Citation 14211** issued to Airport Mini-Bus for a violation of NAC 706.247/49 CFR 396.17 & 396.21 (5 counts).
- 23) **Citation 15091 and 15096** issued to Ewing Brothers Inc. for violations of NAC 706.420 (35 Counts).
- 24) **Citation 15092** issued to Albert Williams for a violation of NRS 706.758.
- 25) **Citation 14210** issued to Whittlesea Checker Taxi for a violation of NAC 706.247/49 CFR 396.17 and 396.21 (5 counts).
- 26) **Citation 14209** issued to Bell Limo for a violation of NAC 706.247/49 CFR 396.17 and 396.21.
- 27) **Citation 15109** issued to Roberto Iglesias for a violation of NRS 706.386.
- 28) **Citation 14773** issued to Celebrity Coaches for a violation of NAC 706.360.
- 29) **Citation 15073** issued to Anthony C. Delgado for a violation of NAC 706.354.

16. Public Comment; None

17. Adjournment; 12:45pm.

**** Denotes the Authority is expected to consider and may take action on this matter.**

In accordance with Nevada's Open Meeting Law, the Authority may consider agenda items taken out of order. The Authority, at its discretion, may take public comment during times other than the designated Public Comment agenda item. No action may be taken on a matter raised during public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken.

Note: The Nevada Transportation Authority (NTA) is pleased to make reasonable accommodations and will assist and accommodate people with a disability who wish to attend its meetings and hearings. If special arrangements are necessary, please contact the NTA in Las Vegas at (702) 486-3303 or in Reno at (775) 688-2800 as far in advance of the meeting or hearing as possible.